

Memorandum

To: Members, Planning and Zoning Commission

From: Michael Kiselak, Planner

Date: June 17, 2022

Re: Text Amendment #817/P&Z Appl. #22-00303 to add new section §6-7, Renovation of Existing Nursing Home or Skilled Nursing Facility, and new subsections §6-7.1-§6-7.4

Statutory Timelines

Application Submission Date: 5/2/22

Application Receipt Date: 5/9/22

65 Days from Date of Receipt (*when public hearing must open*): 7/13/22

Public Hearing Opened (*scheduled to Open*): 6/27/22

35 Days from Hearing Commencing (*when hearing must close*): 8/1/22

65 Days from Close of Public Hearing (*when decision must be rendered*):

Summary

Were all required documents submitted?	Yes.
Were prior approvals received?	Prior approvals are not required. All comments received to date are listed herein.
Other comments?	<p>The Commission should consider whether the proposal is consistent with the Zoning Regulations and Zoning Map (the Comprehensive Plan) and the Commission should consider guidance offered in the <i>2017 Plan of Conservation and Development</i> as required pursuant to C.G.S. §8-2, <i>Regulations</i>. The Commission should also determine if the amendment will benefit the Town, pursuant to §42 of the Zoning Regulations. The applicant submitted an Explanatory Statement available here identifying the purpose of the amendment is:</p> <p><i>“To help maintain, enhance, and meet the growing need for Senior Housing options, and to help redevelop existing nonconforming nursing homes or skilled nursing facilities.”</i></p>

Description of Application

Applicant:	Richard W. Redniss, Redniss and Mead
Requested Action:	Text Amendment approval
Purpose:	The proposal would add new section §6-7, Renovation of Existing Nursing Home or Skilled Nursing Facility, which includes standards for expansion and redevelopment into a medical facility specializing in care of Alzheimer's, Dementia, and/or other memory impairments. New standards are provided for setbacks, height, coverage, and floor area.
Location:	There is one (1) property that qualifies to benefit from the amendment if adopted, 1 Burr Road. See discussion below.
Applicable Regulations:	§6, Non-Conforming Uses, Buildings & Lots; §42, Amendment of Zoning Regulations
2017 Plan of Conservation and Development:	<p>Chapter 4, <i>"Maintain and Enhance Community Character,"</i> contains the following goals:</p> <p><i>"Maintain an architectural review process to help preserve and enhance the character of Westport and maintain the overall 'sense of place.'"</i> Pg. 30</p> <p>Chapter 9, <i>"Guide Business and Economic Development,"</i> contains the following goals:</p> <p><i>"The POCD supports the establishment and expansion of appropriate uses that provide net tax revenue to support municipal services. This includes business uses and some residential uses (such as assisted living facilities) which provide more in tax revenue than they require in services."</i> Pg. 74</p> <p><i>"Require all new or redeveloped sites along the Post Road to install sidewalks and provide landscaping in ways to enhance the Post Road."</i> Pg. 78</p> <p><i>"Seek ways to modify the Zoning Regulations to encourage appropriate improvements and/or redevelopment along the Post Road."</i> Pg. 78</p>

<p>2017 Plan of Conservation and Development <i>continued:</i></p>	<p>Chapter 9, “<i>Guide Business and Economic Development,</i>” contains the following goals:</p> <p><i>“Revisit the parking ratio for business uses since:</i></p> <ul style="list-style-type: none"> • <i>Requiring more parking spaces than are needed increases impervious coverage and reduces economic development and/or landscaping opportunities, and</i> • <i>Reducing the parking requirements may open up the opportunity for redevelopment of some parcels and result in improved buildings, more landscaping, access management, and other desirable outcomes.” Pg. 78</i> <p><i>“Consider the potential for some properties on the Post Road to accommodate mixed-use buildings and/or mixed-use developments (containing housing) in order to increase the variety of housing choices in locations with access to shopping and public transportation.” Pg. 78</i></p> <p>Chapter 10, “<i>Guide Residential Development,</i>” contains the following goals:</p> <p><i>“Protecting residential neighborhoods from encroachment by inappropriate uses.” Pg. 80</i></p>
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Background

At a Pre-Application meeting held on June 6, 2019, Attorney Len Braman presented a proposal to draft a text amendment to enable the conversion of the existing building at 1 Burr Road into a boutique hotel. Attorney Braman had subsequent meetings with Town Officials to discuss the idea. Attorney Braman’s client subsequently decided to go in a different direction and P&Z staff invited the applicant to share the new vision with the Commission and receive feedback, and to begin contacting neighbors to solicit any concerns.

At a subsequent Pre-Application meeting held on November 5, 2020, Attorney Braman and Rick Redniss of Redniss and Mead (the applicant herein) presented a draft proposal for a text amendment that would facilitate the redevelopment of 1 Burr Road into a new full care facility with below-building parking and four stories of living space with 119 beds, one bed less than the existing facility but with two additional building stories. The P&Z Commission shared non-binding feedback on the proposal; some opined that the proposed building was too tall. The applicants said they would consider the feedback and evaluate potential next steps.

In 2021, Mr. Redniss submitted a proposal for Text Amendment #797/P&Z Appl. #PZ-21-00399. The application proposed to create standards for redevelopment and expansion of existing buildings legally being used as a nursing home or skilled nursing facility into a nursing home, skilled nursing facility, full care living facility, assisting living facility, and/or convalescent home facility. The target beneficiary was 1 Burr Road and Mr.

Redniss provided a demonstration site plan which featured three stories of interior space with a total of 92 beds on top of one story of covered parking with 79 total spaces. Text Amendment #797 was withdrawn after feedback was received from the Commission at a hearing on 7/22/21 that the proposed height was too tall and neighboring property owners/tenants spoke in opposition to it.

Another Pre-Application meeting was held on April 4, 2022 at Mr. Redniss' request to discuss potentially redeveloping the existing facility at 1 Burr Road into a skilled "Senior Living Facility." The renovations and site work proposed for 1 Burr Road were largely similar to the demonstration plan provided for Text Amendment #817 (see **Proposal** section below), including reuse of the existing building, infilling a portion of the 1st floor area, "minor" 2nd and 3rd floor additions, relocation of mechanical units to the roof, a new mansard roof and brick façade, parking and landscaping improvements, and a reduction to 68 beds. The P&Z Commission's non-binding feedback was generally positive and indicated that the plans had improved since past demonstrations.



Tax Assessor's Photo dated 7-12-15 of Existing Nursing Home at 1 Burr Road

Proposal

Text Amendment #817, submitted by Richard Redniss of Redniss and Mead, proposes modifications to the Westport Zoning Regulations by adding new section §6-7, *Renovation of Existing Nursing Home or Skilled Nursing Facility*, to enable redevelopment of existing nursing homes or skilled nursing facilities into medical institutions/facilities that specialize in the care of Alzheimer's, Dementia, and/or other memory impairments. Such redevelopment would be subject to Special Permit/Site Plan approval and would have to conform to standards in proposed subsections §6-7.1-§6-7.4.

The proposed standards for redevelopment specifically include:

§6-7.1, Setbacks:

“All additions to existing nonconforming principal buildings shall conform to the setbacks of the underlying zone. Architectural features may be added vertically provided there is no increase in Floor Area or Building Coverage. Accessory structures, including but not limited to, mechanical equipment, and trash enclosures, shall be set back at least 30 feet from Public Streets and at least 5 feet from all other lot lines.”

§6-7.2, Height:

“Expansions to the principal building shall be allowed up to the same height and number of stories as the existing building.

“Five (5) feet of additional height over existing conditions shall be allowed for added architectural features, including but not limited to, pitched roofs and mechanical screening. Mechanical equipment up to ten (10) feet in height shall be exempt from height limitations.”

§6-7.3, Coverage:

“Building coverage may be increased by up to five percent (5%) over existing conditions provided Total Coverage is reduced by at least two (2) times the increase in Building Coverage.”

§6-7.4, Floor Area:

“Total Floor Area may be increased by up to ten percent (10%) over existing conditions and no individual floor area limitation shall apply.”

Other standards for the underlying zoning district that do not conflict with the proposed standards would still apply.

As written, to be eligible to benefit from the proposed redevelopment standards of §6-7 (and subsections thereof), a site must contain an existing nursing home or skilled nursing facility in existence prior to June 1, 2022. Only one site in Westport, the applicant’s target site for redevelopment 1 Burr Road, meets this requirement.

While similar, LCB Senior Living at 1141 Post Road East, approved per P&Z Res. #18-007, is not a nursing home or skilled nursing facility and therefore would be ineligible to benefit from Text Amendment #817. 1141 Post Road East contains Assisted Living, Full Care Living, and Independent Living (ALFCIL) Facilities, all of which are defined terms in the Zoning Regulations.

A description of 1 Burr Road follows below. The latest version of the proposed text, dated 6-9-22, can be read in full [here](#). The applicant has provided a conceptual site plan for demonstration purposes, available [here](#), and a zoning data chart comparing the existing

and proposed (demonstration) conditions, [here](#). An explanation and analysis of the proposed §6-7 redevelopment standards, with consideration given to the demonstration plan, are presented in the **Analysis** section of this report.

Through Text Amendment #817, the applicant seeks to redevelop an aging facility that is constrained from redevelopment due to existing non-conformities. Through targeted zoning relief, the applicant is demonstrating that they can improve the function, utility, and aesthetics of the site and improve some non-conforming conditions.

An earlier version of Text Amendment #817 also included redevelopment standards for parking, loading, curb cuts, landscaping, screening, buffer areas, and excavation and fill. Those standards have been removed from the current proposal because staff determined, and the applicant agreed, relief from those existing standards was not necessary based on the demonstration site plan.

1 Burr Road Property Description and Existing Use

As the proposed redevelopment standards would only benefit a single property, 1 Burr Road, the following is a description and zoning history of the property.

1 Burr Road is a 0.90-acre (39,351 SF) property located at the corner of Burr Road and Post Road West in the Restricted Office-Retail District (RORD #1) and in the Coastal Area Management (CAM) Boundary. The site is currently improved with a 42,000 SF +/-, 3-story building occupied by the Westport Rehabilitation Complex and used as a skilled nursing facility or nursing home. There are 120 beds in sixty-three (63) rooms in the facility. The existing conditions are non-conforming to Building Height, Floor Area, FAR, Coverage, Setbacks, Parking, and Landscaping. There is limited privacy afforded to patients as most (57 of 63) rooms are shared.

The existing facility has continued operations since the 1960's under different management and pre-dates the regulations adopted in 1977 applicable to nursing homes (Amendment #200). Hospitals, nursing homes and related institutions are currently permitted pursuant to §11-2.3.2 and §32-3 in residential and non-residential districts subject to Planning and Zoning Commission approval of a Site Plan and Special Permit with Special Conditions.

§32-3, Hospitals and Other Medical Institutions, is similar but distinct from other regulations including §32-15, Managed Residential Communities, and §39A-3, which allows Assisted Living, Full Care Living, and Independent Living (ALFCIL) facilities in the Inclusionary Housing Zone/Overlay District (IHZ), recently used to approve LCB Senior Living at 1141 Post Road East and intended to be used by Maplewood Senior Living at 170, 172, 174 & 176 Post Road West and 38 Kings Highway North.

The Commission last granted approval for renovations to the facility at 1 Burr Road in 2007 pursuant to Res. #06-070 following the granting of variances by the Zoning Board of Appeals pursuant to Case #6589 for: §22-4.1 (Front Setbacks), §22-5 (Height), §22-3

(Coverage), §22-7 (Building area), §22-8 (Floor Area), §22-9 (Architectural Design); and §35-2.2 (Front Landscape Area).

Variances were granted by the ZBA for 1 Burr Road on two other occasions, pursuant to Case #4471 in 1991 and Case #4967 in 1994. A variance application was also denied by the ZBA per Case #3502 in 1984 for lack of hardship.

Parking requirements for 1 Burr Road have historically been based off the “Hospitals and convalescent homes” standard in the Parking Requirements Table of §34-5: 1 space for each 3 beds. At the time Res. #06-070 was approved, there were 40 required parking spaces (for 120 beds) whereas 34 spaces were constructed onsite.

Analysis

Text Amendment approval will be required to adopt the proposed modifications to the Zoning Regulations. If adopted as written, the proposed redevelopment standards of §6-7 and subsections thereof will only benefit the existing nursing home located at 1 Burr Road. This approach to planning by regulation (rather than by variance), to facilitate improvements to a particular site is like the approach taken when the Planning and Zoning Commission approved:

- New section §6-6, Redevelopment of Split Zoned Properties, to facilitate Redevelopment of the Westport Inn at 1595 Post Road East pursuant to Amendment #586 in 2008.
- New section §6-6.2, Non-Conforming Automobile Dealerships, to facilitate planned Redevelopment of 176 Post Road West for Tesla pursuant to Amendment #755 in 2018.
- Changes to §32-12, Inclusionary Two-Family and Multi-Family Dwellings, to facilitate Redevelopment of 1480 Post Road East (former Roger’s Septic Tank site), pursuant to Amendment #772 in 2019.
- New section §32-26, Adaptive Reuse and Redevelopment of Non-Residential Buildings to Housing, to facilitate Redevelopment of 41 Richmondville Ave. (Mill at Richmondville) pursuant to Amendment #777 in 2020.
- New section §6-6.3, Non-Conforming Medical Redevelopment, to facilitate redevelopment of split-zoned properties for “primarily medical offices” that meet specific location criteria; specifically, to enable improvements at 1460 Post Road East (Greens Farms Plaza) pursuant to Amendment #796 in 2021.

A referral of the text amendment proposal was sent to the Town Attorney’s Office for review. On June 14, 2022, **Attorney Peter Gelderman of the Town Attorney’s Office concluded that the proposal is legal and that it is within the authority of the Planning and Zoning Commission to approve regulations that may benefit only a single site (1**

Burr Road), provided that the amendment applies uniformly within a district. Mr. Gelderman provided the following explanation (full statement available [here](#)):

“The test is not whether the proposed amendment currently applies to only one property, rather whether the regulation applies uniformly to the entire district. The proposed regulation in fact applies to all districts (i.e. any existing nursing home anywhere in town).

“In my opinion, the regulation is lawful.”

The applicant has chosen to facilitate redevelopment approval through a text amendment instead of seeking a variance because redevelopment is generally considered a self-created hardship. A variance application must be accompanied by a hardship and said hardship must arise from specific conditions affecting the land itself, not the owner or developer. Neither financial reasons, economic reasons, nor potential for neighborhood benefit are typically sufficient. As noted in the **Property Description** section above, the Zoning Board of Appeals has found sufficient hardship to grant variances to benefit 1 Burr Road on three occasions in the past, but the Board failed to find sufficient hardship on at least one other occasion.

Analysis of Proposed Redevelopment Standards

As stated above, the applicant provided a conceptual site plan for 1 Burr Road to demonstrate what adoption of Text Amendment #817 would enable (available [here](#)) and zoning data table (available [here](#)) to compare existing and proposed conditions. An architectural rendering of the demonstration plan has been provided (available [here](#)).

The demonstration plan includes renovation of the existing building with some additions, including infill of unused areas within the existing footprint and additions that expand the footprint. The plan maintains the same number of stories as the existing building but adds a mansard roof to the façade for architectural interest and to shield the views of rooftop mechanical equipment, whereas the existing building has a flat roof. **The plan would reduce the number of patient beds from 120 to 68 by providing more single-occupancy rooms.** The demonstration plan also features parking lot modifications, landscaping improvements, a new brick façade, a new dumpster enclosure, a ground-level generator, and relocation of some mechanical equipment to the rooftop.

For reference, the demonstration plan presented alongside Text Amendment #797 in 2021 featured an additional building story (to allow for covered parking) and 92 beds. As such, the current plan represents a reduction in intensity and bulk.

The applicant’s proposed text for new section §6-7, *Redevelopment of Existing Nursing Home or Skilled Nursing Facility*, includes unique zoning standards for Setbacks, Height, Coverage, Floor Area Ratio. The full text proposal is available [here](#).

§6-7.1, Setbacks

The proposed setback standard requires that all additions to principal buildings conform to the setbacks of the underlying zone. For 1 Burr Road, in the RORD #1 district, setbacks for principal buildings are 30 feet from any front lot line or residential district boundary line, 15 feet from any side lot line, and 25 feet from any rear lot line. The site has road frontage on three sides and a 15-foot side setback on the fourth side.

The existing building is built right up to the 30-foot setback along Post Road West and Burr Road; it does not conform with the 30-foot setback along the private road on the northern side; therefore, the building would still be constrained horizontally on three sides if the amendment were adopted as written. On the fourth side, the existing building is approximately 29 feet from the lot line, which exceeds the required setback of 15 feet.

The applicant's demonstration plan includes some building infill and some expansions to the footprint, which would comply with the proposed setback standards (i.e., the underlying RORD #1 standards).

The proposed mansard roof façade would constitute a vertical expansion within the front setback area along the private road to the north. Therefore, the proposed amendment as written seeks to exempt architectural features such as the mansard roof façade from setbacks, so long as it is not associated with an increase to floor area or building coverage. **The Commission should consider if this exception for vertical expansion is appropriate, given that it will potentially allow for a more appealing façade and screening of rooftop mechanical equipment.** This request may be considered similar to recent Text Amendment #816, recently approved in 2022 by the Commission to benefit 44 Church Lane, which allowed for minor vertical expansions to floor area in the setbacks to incentivize affordable housing.

The proposed amendment also seeks to designate setbacks for accessory structures (such as mechanical equipment and trash enclosures) as 30 feet from public streets and 5 feet from all other lot lines. In accordance with this, the demonstration plan includes a trash enclosure approximately 5 feet from the northern lot line along the private road and a generator approximately 25 feet from the same lot line. This would allow the existing dumpster to be moved further away from the residences on Lincoln Street to the northeast of 1 Burr Road, alleviating a point of concern raised at the public hearing for Text Amendment #797.

§6-7.2 Height

The existing building at 1 Burr Road is non-conforming to height at 31ft tall, according to the applicant's zoning analysis chart, whereas the RORD #1 zone has a maximum height of 30ft. The proposed amendment as written would allow additions to the existing building to be built up to the same non-conforming height.

It is not clear from the available zoning files how the building became non-conforming as to height. The applicant should provide this information as part of any future Special Permit/Site Plan application.

The amendment would also allow an additional 5 feet over existing height for added architectural features and mechanical equipment screening, such as the demonstration mansard roof (as measured to the midpoint), or 36 feet for 1 Burr Road. This height is comparable to the maximum height for the adjacent Residence A zone of 35 feet.

Note that vertical expansion for new floor area would not be allowed at 1 Burr Road under the proposed regulations since the building already exceeds the RORD #1 maximum height.

The amendment would provide a 10-foot exemption from height requirements for rooftop mechanical equipment. If the relief described above for architectural features such mansard roofs are allowed, the mechanical equipment could be concealed from view from neighbors. **Staff recommends modifying the amendment such than any height-exempt mechanical equipment shall be fully screened from neighbors.**

The P&Z Commission has approved amendments to the Zoning Regulations in the recent past that allow comparable heights (or more) to what the applicant is proposing, including:

- §39A-7.4, which permits up to 42 feet in building height in the Inclusionary Housing Overlay (IHZ) District for ALFCIL facilities, provided that specific setback requirements are met, and the building is designed with dormers.
- §24B-5, which permits 25 feet in height plus an additional 22 feet (47 feet total) at the discretion of the P&Z Commission in the General Business District/Residential (GBD/R), provided that the building is located within the 100-year floodplain. Both flat and pitched roofs are permissible up to 47 feet. Mechanical equipment and elevator rooms are allowed an additional five feet but must be set back at least ten feet from the roof's edge.
- §29A-5 & §29B-5 for the Business Center District/Historic (BCD/H) and Business Center Retail Residential District (BCRR) respectively, which permit a height of either 25 feet to the top of a flat roof or 30 feet to the midpoint of a pitched room, and the P&Z Commission may allow incidental architectural features to exceed the height limit by up to three additional feet.

Finally, it should be noted that the design of the building will be reviewed by the Architectural Review Board prior to any Site Plan being reviewed by the Commission.

§6-7.3 Coverage

Proposed Text Amendment #817 allows building coverage to be increased by up to 5% as long as it is offset by a 2:1 total coverage reduction (for example, a 5% increase in building coverage must be accompanied by a decrease in total coverage by 10%). This could have significant benefits in terms of drainage, runoff, and water quality, particularly for 1 Burr Road which is located within the CAM Boundary.

The existing conditions at 1 Burr Road include a building coverage of 42.7% and a total lot coverage of 84.4% according to the applicant's zoning analysis chart. The RORD #1 district has a building coverage maximum of 20% and no maximum total lot coverage.

The demonstration site plan for 1 Burr Road results in an increase in building coverage to 43.5% (+0.8%) and a simultaneous reduction in total coverage to 78.7% (-5.7%). This is significantly less than the maximum 5% proposed building coverage increase and a significantly larger offset to total coverage than the proposed 2:1 requirement. **In the absence of a potentially binding Special Permit/Site Plan application for 1 Burr Road, the Commission may wish to modify the proposed relief to be more in line with the demonstration plan, such as a 2% building coverage bonus or 5:1 offset requirement.**

§6-7.4 Floor Area Ratio (FAR)

The proposed amendment would allow an increase to floor area of up to 10% of existing conditions. It would also exempt any individual floor area limitations from underlying zones, such as the RORD requirement that "no one floor shall exceed an area of 2,500 square feet" (§22-8.3).

The existing 1 Burr Road site, with a FAR of 1.09 according to the applicant's zoning analysis chart, is non-conforming to FAR for the RORD #1 zone which has a maximum FAR standard of 0.25. The demonstration plan would increase the floor area at 1 Burr Road by approximately 7% for a total FAR of 1.16.

The P&Z Commission approved a similar amendment to the Zoning Regulations in the recent past pursuant to Text Amendment #816 to benefit 44 Church Lane. To incentivize and facilitate the creation of affordable housing units, the Commission authorized a 10% increase to floor area for existing dwelling units in the Business Center District. The Commission should determine if the similar floor area relief proposed herein under Text Amendment #817 is appropriate to facilitate the renovation and reuse of existing nursing home facilities.

Considerations

The applicant is seeking a way to redevelop an existing lot that has an aging structure, a high degree of lot coverage, and multiple other non-conforming attributes. The redevelopment therefore has the potential to benefit Westport and improve site characteristics. As described in his Explanatory Statement, the amendment is proposed to:

"Help maintain, enhance, and meet the growing need for Senior Housing options, and to redevelop existing nonconforming nursing homes or skilled nursing facilities."

The 2017 *Plan of Conservation and Development* cautions against drafting zoning regulations that are site specific. The Business and Economic Development Chapter states:

"Discourage a site-based approach to business zoning unless there are good public policy reasons for doing so." Pg. 74

The Planning and Zoning Commission acting in their planning capacity should decide if the applicant's Explanatory Statement adequately articulates sufficient public policy reasons for adopting the amendment.

A more global approach to facilitating redevelopment of non-conforming properties may be warranted in the future using some of the provisions proposed in Text Amendment #817, such as permitting additional building coverage if total lot coverage is being offset.

The applicant's proposal may be applicable more broadly to sites that could be redeveloped with the same – or similar – land use as the existing one. Such ideas could conceivably become a topic for one of the subcommittees of the Planning and Zoning Commission to take up in due course.

Meanwhile, there appears to be merit for considering the proposal in the short-term, as it will facilitate redeveloping an aging structure, thereby potentially improving the standard of care provided to Westport's memory-impaired residents, while simultaneously reducing the lot's intensity and coverage and increasing landscaping.

Preliminary Conclusions

The Commission may wish to consider adopting the Text Amendment supported by the economic development goals listed in the 2017 *Plan of Conservation and Development* with modifications as recommended in the **Analysis** section, if agreed to by the applicant.

Process Considerations

The Planning and Zoning Commission acting in their legislative capacity has the authority to adopt, deny, or modify the amendment. The Commission may approve changes to one section without obligation to also approve another section. If the Planning and Zoning Commission adopts the amendment an effective date must be established. **Staff recommends an effective date of July 8, 2022.** Prior to rendering a decision, the Commission should consider the requirements for reviewing amendments listed in the

Zoning Regulations and the State Statutes. §42-3.3 of the Zoning Regulations describes the format for a text amendment. Words to be deleted shall be bracketed and stricken out and additions shall be underlined. The application conforms to this requirement.

§42-3.5 requires a narrative describing the need for an amendment and any benefits to the Town. The applicant's Explanatory Statement describes a desire to facilitate redevelopment of existing nursing home facilities more easily. While zoning regulations aim to guide development towards desirable outcomes, they can sometimes create obstacles to redeveloping sites that have existing non-conformities. Removing obstacles for redevelopment of aging properties can help ensure that Westport's needs of today are met.

C.G.S. §8-2, *Regulations*, requires consideration by the Planning and Zoning Commission that regulations shall be made in accordance with a comprehensive plan (Zoning Regulations and Zoning Map) and in adopting such regulations the Commission shall consider the Plan of Conservation and Development.

The 2017 *Plan of Conservation and Development (POCD)* is an advisory document; not binding, but it contains language that supports adopting the amendment. Addressing zoning needs by adopting appropriate regulations rather than addressing these needs by variance is recommended as a better planning tool.

The amendment also appears to be consistent with numerous other goals specified in the *POCD*, listed in the *Description of Application* table at the beginning of this report.

Effective July 1, 2021, notice requirements were restored mandating use of newspapers to advertise public hearings. This requirement had been suspended due to COVID-19. A newspaper notice was published. P&Z Staff additionally posted the legal notice on the P&Z page of the Town's website prior to the public hearing consistent with procedures followed during COVID-19. The legal notice and text were filed with the Town Clerk's Office within the timeframes required by CGS §8-7d. A press release concerning the amendment and upcoming hearing was shared with local media outlets to enhance public participation consistent with guidelines established in 2018 by the Planning and Zoning Commission's Communication Subcommittee.

Traditional public meetings are not currently being held due to COVID-19 and related concerns on public assembly. Consistent with Public Act 21-2 the Commission's public hearing may be held remotely, shall be recorded, and all information made accessible to the public. The remote meeting will be accessible in real-time as it will be streamed on the Town's website at www.westportct.gov, and accessible on Optimum Government Access Channel 79 and Frontier Channel 6020. Additionally, an email address is listed on the notice and agenda to receive public comments prior to the meeting at PandZ@westportct.gov and interested parties may "join" the meeting and offer live testimony during the meeting as the Zoom meeting link is published on the meeting agenda in advance of the meeting.

Department Comments

Building Official:	<i>"[1 Burr Road] is in need of renovations, if this text amendment will allow that, I support it subject to review of the plans."</i> 5/17/22
Conservation Director:	<i>"From an environmental viewpoint, we have no objection to the use of the site for Memory Care but if there is an opportunity to include the treatment of stormwater runoff in the design in order to improve water quality, we should seize that opportunity."</i> Full comments dated 5/17/22 available here .
Fire Marshal:	<i>"As there is no Fire Code impact on the proposal, this office has no opinion on the matter."</i> 5/16/22
Human Services Dept.	Referral sent.
Parks & Rec. Director:	<i>"No comments."</i> 5/13/22
Police Dept.:	<i>"WPD has no comments at this time."</i> 5/20/22
DPW Engineering Dept.:	Comments dated 6/14/22 available here .
Town Attorney's Office:	Comments dated 6/14/22 available here .
Aspetuck Health District Director:	<i>"The property that would be impacted by this proposed change is served by the municipal sewage collection and treatment system and a public water supply. As such, there are no environmental impacts that fall under the jurisdiction of the Connecticut Public Health Code as they relate to sewage disposal or potable water supply. Therefore, the Health District has no objection to the proposed Text Amendment #817."</i> 5/18/22
DEEP:	<i>"We have reviewed the above-referenced text amendment proposal for consistency with Connecticut Coastal Management Act policies and have no comments for the Planning & Zoning Commission's consideration."</i> 5/16/22

The following materials and information can be found on the Town of Westport's website [here](#):

Application materials submitted by Redniss and Mead, including:

- Proposed Text Amendment, prepared by Redniss and Mead, last revised 6/9/22
- Explanatory Statement, prepared by Redniss and Mead, last revised 6/1/22
- 1 Burr Road Aerial Exhibit, exported from Town GIS 3/16/22
- 1 Burr Road Zoning Analysis, prepared by Redniss and Mead, last revised 6/1/22
- 1 Burr Road Potential (Demonstration) Site Plan Exhibit, prepared by Redniss and Mead, dated 3/15/22
- 1 Burr Road Demonstration Rendering, prepared by Meyer Architecture + Interiors, dated March 2022